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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/504,135	02/15/2000	Suthirug Num Pisutha-Armond	CS10006	7503

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EXAMINER	
WEST, LEWIS G	

ART UNIT	PAPER NUMBER
2618	

DATE MAILED: 07/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/504,135	Applicant(s) NUM PISUTHA-ARNOND ET AL.	
	Examiner Lewis G. West	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 35,37-42 and 44-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 35,37-42 and 44-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 February 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Arguments***

Applicant's arguments filed July 10, 2006 have been fully considered but they are not persuasive. Contrary to applicant's assertion, no exemplary language was provided by the board (This implies that example claim language was set forth, it was not). The board affirmed the rejection in whole by pointing out the flaw in applicant's arguments with respect to the claims and what was lacking in said claims, but in no way provided that any exemplary language or indication as to if or how the claims could be changed to be distinct from ICHIKAWA, only the applied rejection was addressed.

As was clearly pointed out previously, ICHIKAWA also clearly states that if a message is of a certain type (with more than one error), it will not be displayed. Thereby further providing a type of message used to determine what is displayed that is not based on size.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 35, 37-42 and 44-48 are rejected under 35 U.S.C. 102(b) as being anticipated by ICHIKAWA et al (US 4,626,842 A).

Regarding claim 35, ICHIKAWA et al discloses message alert system for a communication device (all elements of figure 1) wherein the communication device comprises a processor (element 4 of figure 1 and column 2 lines 42-46) and a display (element 8 of figure 1) for displaying information, comprising: a computer-readable medium (element 401 of figure 3);

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and a routine stored in the computer-readable medium and configured for execution by the processor, the routine comprising: a first routine that receives a message comprising the information (column 3 lines 62-67); a second routine that analyzes the message to determine a size thereof (column 4 lines 8-32), and further analyzes the message to determine whether the message is of a message type for which the third routine is executed wherein the type of message is different from the size of the message (column 3 line 62 to column 4 line 32); a third routine that generates a display item for the message in accordance with the size thereof (column 5 lines 11-57), if the message is of the type for which the third routine is executed.

Regarding claim 37, see the rejection of the parent claim concerning the subject matter this claim depends from. ICHIKAWA et al further discloses an initialization routine that specifies the message type (based on number of digits) for which the third routine is executed (column 3 line 62 to column 4 line 32).

Regarding claim 38, see the rejection of the parent claim concerning the subject matter this claim depends from. ICHIKAWA et al further discloses that the generated display item comprises a reproduction of the message when the second routine determines that the size of the message is less than a predetermined size (column 3 line 62 to column 4 line 32).

Regarding claim 39, see the rejection of the parent claim concerning the subject matter this claim depends from. ICHIKAWA et al further discloses the generated display item comprises a reproduction of the message when the second routine determines that the size of the message is greater than a predetermined size; and the routine comprises a fourth routine that provides the generated display item to the display for a predetermined time (column 3 line 62 to column 4 line 32).

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Regarding claim 40, see the rejection of the parent claim concerning the subject matter this claim depends from. ICHIKAWA et al further discloses that the routine comprises a fifth routine that generates a further display item that comprises a portion of the message when the second routine determines that the size of the message is greater than a predetermined size; and the routine comprises a sixth routine that provides the further display item to the display after the predetermined time has elapsed (column 3 line 62 to column 4 line 32).

Regarding claim 41, see the rejection of the parent claim concerning the subject matter this claim depends from. ICHIKAWA et al further discloses that the message is transmitted to the communication device via a network; and the network is a broadcast network (column 2 line 27 to column 4 line 32).

Regarding claim 42, ICHIKAWA et al discloses a method of controlling a communication device (all elements of figure 1) having a display (element 8 of figure 1) for displaying information, the method comprising the steps of: receiving a message comprising the information (column 3 lines 62-67); analyzing the message to determine a size thereof, wherein the type of message is different from the size of the message (Col. 3 line 62-Col. 4 line 7), and further analyzing the message to determine whether the message is of a message type for which the generating step is executed (column 3 line 62 to column 4 line 32, this is read as when the message is limited to 10 digits); and generating a display item for the message in accordance with the size thereof (column 5 lines 11-57), if the message is of the type for which the generating step is executed.

Regarding claim 43, see the rejection of the parent claim concerning the subject matter this claim depends from. ICHIKAWA et al further discloses analyzing the message to

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determine whether the message is of a message type for which the generating step is executed (column 3 line 62 to column 4 line 32). This is read as when the message is limited to 10 digits.

Regarding claim 44, see the rejection of the parent claim concerning the subject matter this claim depends from. ICHIKAWA et al further discloses an initialization routine that specifies the message type (based on number of digits) for which the third routine is executed (column 3 line 62 to column 4 line 32).

Regarding claim 45, see the rejection of the parent claim concerning the subject matter this claim depends from. ICHIKAWA et al further discloses that the generated display item comprises a reproduction of the message when the second routine determines that the size of the message is less than a predetermined size (column 3 line 62 to column 4 line 32).

Regarding claim 46, see the rejection of the parent claim concerning the subject matter this claim depends from. ICHIKAWA et al further discloses the generated display item comprises a reproduction of the message when the second routine determines that the size of the message is greater than a predetermined size; and the routine comprises a fourth routine that provides the generated display item to the display for a predetermined time (column 3 line 62 to column 4 line 32).

Regarding claim 47, see the rejection of the parent claim concerning the subject matter this claim depends from. ICHIKAWA et al further discloses that the routine comprises a fifth routine that generates a further display item that comprises a portion of the message when the second routine determines that the size of the message is greater than a predetermined size; and the routine comprises a sixth routine that provides the further display item to the display after the predetermined time has elapsed (column 3 line 62 to column 4 line 32).

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Regarding claim 48, see the rejection of the parent claim concerning the subject matter this claim depends from. ICHIKAWA et al further discloses that the message is transmitted to the communication device via a broadcast network (column 2 line 27 to column 4 line 32).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis G. West whose telephone number is 571-272-7859. The examiner can normally be reached on Monday-Friday 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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